

REGISTER

South Dakota Legislative Research Council



Volume 38

Monday, 8:00 a.m., August 1, 2011

NOTICES OF PROPOSED RULES: The date in parentheses is the date the rules were filed in the Legislative Research Council.)

Department of Veterans Affairs: (July 27, 2011) intends to amend rules to align the existing rules with South Dakota Codified Laws affected by the Executive Reorganization Order 2011-01 creating the Department of Military and the Department of Veterans Affairs; address VA and Medicaid rules with regard to fees charged at the Michael J. Fitzmaurice Veterans Home; and clarify the number of days a resident can furlough at the Michael J. Fitzmaurice Veterans Home. The general authority for these rules, as cited by the department, is SDCL 33-6-8, 33-16-7.1, 33-16-28.3, 33-17-8, 33-17-21, 33-17-30, 33-18-2, 33A-1-8, 33A-1-31, 33A-2-14, 33A-2-25, and 33A-4-4.

A public hearing will be held in the Auditorium in Building 3, Michael J. Fitzmaurice South Dakota Veterans Home, 2500 Minnekahta Avenue, Hot Springs, South Dakota, on August 25, 2011, at 9:00 a.m. MT. Copies of the proposed rules may be obtained from and written comments sent to the Department of Veterans Affairs, 425 E. Capitol, Pierre, SD 57501. Material sent by mail must reach the department by September 9, 2011, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the home can make arrangements are asked to call (605) 745-5127 at least 48 hours before the public hearing.

Department of Transportation: (July 28, 2011) is proposing to amend a speed zone in the town of Lake Norden in Hamlin County on State Highway 28 to create a 50 mile per hour

reduced speed zone adjacent to commercial and residential areas in the city limits and the curves near the lake. The general authority for this rule, as cited by the department, is SDCL 32-25-7.

A public hearing will be held in the Commission Room of the Becker Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota, on August 25, 2011, at 9:05 a.m. CDST. Copies of the proposed rule may be obtained without charge from and written comments sent to the Secretary of Transportation, Becker-Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota 57501-2586. Material sent by mail must reach the department by August 25, 2011, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3540 or 1-800-877-1113 (Telecommunication Device for the Deaf).

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Executive Appointments:

Julie L. Briggs, Sioux Falls, was appointed on July 27, 2011, to the **Board of Service to the Blind and Visually Impaired**, to replace Rita Weber, effective July 8, 2011, and shall continue until June 30, 2014.

Mark A. Burket, Platte, was appointed on July 27, 2011, to the **South Dakota State Board for Nursing Facility Administrators**, to replace Jason Petik, effective July 12, 2011, and shall continue until June 30, 2014.

Loren W. Diekman, Watertown, was appointed on July 27, 2011, to the **South Dakota State Board for Nursing Facility Administrators**, to replace Paul Engbrecht, effective July 12, 2011, and shall continue until June 30, 2014.

Victor Erlacher, Arlington, was reappointed on July 27, 2011, to the **Council of Juvenile Services**, effective immediately and shall continue until June 30, 2014.

Elizabeth Heidelberger, Rapid City, was reappointed on July 27, 2011, to the **Council of Juvenile Services**, effective immediately and shall continue until June 30, 2014.

Michael J. Held, Huron, was reappointed on July 27, 2011, to the **South Dakota Energy Infrastructure Authority**, effective immediately and shall continue until June 30, 2017.

Chris Hipple, Pierre, was reappointed on July 27, 2011, to the **South Dakota State Board for Nursing Facility Administrators**, effective immediately and shall continue until June 30, 2014.

Gary I. Jaeger, Goodwin, was appointed on July 27, 2011, to the **South Dakota 911 Coordination Board**, to replace Clayton Tucholke, effective July 13, 2011, and shall continue until June 30, 2012.

Robert Kean, Pierre, was reappointed on July 27, 2011, to the **Board of Service to the Blind and Visually Impaired**, effective immediately and shall continue until June 30, 2014.

Kelsey M. Lambert, Madison, was appointed on July 27, 2011, to the **Council of Juvenile Services**, to replace Kaylee DeNeui, effective July 14, 2011, and shall continue until June 30, 2014.

JoAnn J. Lind, Flandreau, was appointed on July 27, 2011, to the **South Dakota State**

Board for Nursing Facility Administrators, to replace Terry Rieck, effective July 12, 2011, and shall continue until June 30, 2014.

Aaron F. McGowan, Sioux Falls, was reappointed on July 27, 2011, to the **Council of Juvenile Services**, effective immediately and shall continue until June 30, 2014.

Bruce A. Michael, Cavour, was appointed on July 27, 2011, to the **Board of Service to the Blind and Visually Impaired**, to replace Larry Wheeting, effective July 8, 2011, and shall continue until June 30, 2014.

Joleen M. Schaffer, Aberdeen, was appointed on July 27, 2011, to the **Board of Service to the Blind and Visually Impaired**, to replace Deanne Curran, effective July 8, 2011, and shall continue until June 30, 2014.

Carol Twedt, Sioux Falls, was reappointed on July 27, 2011, to the **Council of Juvenile Services**, effective immediately and shall continue until June 30, 2014.

Sarah Folsland, Rapid City, was reappointed on July 28, 2011, to the **South Dakota Workforce Development Council**, effective immediately and shall continue until June 30, 2014.

Randall W. Hanson, Volga, was reappointed on July 28, 2011, to the **South Dakota Workforce Development Council**, effective immediately and shall continue until June 30, 2014.

Richard W. Vincent, Aberdeen, was appointed on July 28, 2011, to the **South Dakota Workforce Development Council**, to replace Pat Lund, effective July 28, 2011, and shall continue until June 30, 2014.

Note: A copy of the rules may be obtained directly from the above agencies. Write to the agency at the address given under "Notices of Proposed Rules." There is no charge for proposed rules. The following agencies have permission from the Interim Rules Review Committee to

charge for adopted rules: the Division of Insurance, the Cosmetology Commission, the State Board of Examiners in Optometry, the State Plumbing Commission, the Board of Nursing, the Department of Social Services, the State Electrical Commission, the South Dakota Board of

Pharmacy, the Real Estate Commission, the Gaming Commission, the Department of Revenue and Regulation, and the Department of Labor for Article 47:03.

REMINDER OF HEARINGS SCHEDULED

8-4-2011	Labor and Regulation: Division of Insurance	Amend a rule to require insurers to provide notice to policyholders about open enrollment and to include that information on their websites; 38 SDR 7.
8-4-2011	Game, Fish and Parks	Amend Waterfowl Hunting Seasons (Duck Hunting Season) rules to increase the daily bag limit for redheads from 2 to 3 and the possession limit from 4 to 6 contingent upon the redhead harvest strategy at the Central Flyway level by the U.S. Fish and Wildlife Service; amend Waterfowl Hunting Seasons (Goose Hunting Season) rules to increase the Canada goose daily bag limit from 3 to 4 and the possession limit from 6 to 8 contingent upon approval from the Central Flyway Council and U.S. Fish and Wildlife Service; and amend a Furbearer Season (Nonresident restrictions) rule to establish a 28 consecutive day furbearer license for nonresidents which must be exercised between the first Saturday of December through March 15; 38 SDR 7.
8-16-2011	Agriculture: Division of Agricultural Services	Amend rules to require bulk storage facilities to anchor new and reinstalled bulk pesticide tanks in case the secondary containment fills with a liquid, record keeping requirements for each pesticide and repackaging of pesticides, to eliminate the minimum gallons required for operational area containment, revise the definition of triple rinse, and to dismiss outdated rules pertaining to commercial applicator's and open burning of containers; 38 SDR 11.
8-18-2011	Environment and Natural Resources: Board of Minerals and Environment	Update the state's existing hazardous waste rules by incorporating updated federal regulations by reference. These updates reflect changes made to the federal hazardous waste rules from July 1, 2008 through June 30, 2010. Changes include establishing an alternative set of requirements for academic laboratories; rules that address transboundary movement of hazardous wastes and spent lead-acid batteries;

		and technical and typographical corrections to errors in the federal rules; 37 SDR 221.
8-18-2011	Environment and Natural Resources: Board of Minerals and Environment	Amend Solid Waste rules to include definitions related to medical waste; repeal Medical Waste rules to eliminate redundancy; and amend Regional Haze Program rules to revise the emission limits for sulfur dioxide and nitrogen oxides to include periods of startup and shutdown for coal fired power plants such as Ottertail Power Company's Big Stone I facility, define a "30-day rolling average" and "operating day" for calculating emission rates, and revise monitoring, recordkeeping, reporting, and other miscellaneous requirements; 38 SDR 7.
8-25-2011	Veterans Affairs	Amend rules to align the existing rules with South Dakota Codified Laws affected by the Executive Reorganization Order 2011-01 creating the Department of Military and the Department of Veterans Affairs; address VA and Medicaid rules with regard to fees charged at the Michael J. Fitzmaurice Veterans Home; and clarify the number of days a resident can furlough at the Michael J. Fitzmaurice Veterans Home; 38 SDR 15.
8-25-2011	Transportation	Amend a speed zone in the town of Lake Norden in Hamlin County on State Highway 28 to create a 50 mile per hour reduced speed zone adjacent to commercial and residential areas in the city limits and the curves near the lake; 38 SDR 15.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, August 30, 2011. The committee chair has set the following tentative meeting schedule for the 2011 interim: September 27, November 15, and December 12.

Note: An updated version of the Administrative Rules Guide to Form and Style is available on the Legislative Web site at <http://legis.state.sd.us/rules/index.aspx>.